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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,247	12/07/2000	M. Shane Crowe	12445RR (22171.232)	9495

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EXAMINER	
CANGIALOSI, SALVATORE A	
ART UNIT	**PAPER NUMBER**
2661	5

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/732,247	CROWE ET AL.	
	Examiner	Art Unit	
	Salvatore Cangialosi	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2,4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Kumar et al in view of either Sutton or Sheba.

Regarding claim 1, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for soft handoff of a CDMA wireless system with a plurality of base stations and a plurality of mobile units in which the pilot signals in a search window are measured for phase offset and signal strength substantially as claimed. The differences between the above and the claimed invention is the interpretation of the term ambiguity. It is noted that for purposes of this paragraph ambiguity is being read as any discriminator between base stations. Either Sutton (See Figs. 3 and 4, Cols. 3 and 4) or

Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold to determine base station available for handoff. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Kumar et al because they are well known and conventional functional equivalents of resolving ambiguities between overlapping base stations and determining where to handoff a mobile. Regarding the window sizing limitations of claim 2, Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold which is the functional equivalent of the claim. Regarding handoff limitations of claim 3, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for soft handoff of a CDMA wireless system with a plurality of base stations substantially as claimed. Regarding the base station controller limitations of claim 4, Kumar et al (See element 45) disclose a controller substantially as claimed. Regarding the second base station limitations of claim 5, Kumar et al (See element 45) disclose a controller substantially as claimed which can be any base station. Regarding the soft handoff limitations of claim 6, Kumar et al (See title) disclose a soft handoff substantially as claimed. Regarding the CDMA limitations of claim 7, Kumar et al (See Col. 3, lines 50-55) disclose a CDMA substantially as claimed. Regarding claim 8, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method

for soft handoff of a CDMA wireless system with a plurality of base stations and a plurality of mobile units in which the pilot signals in a search window are measured for phase offset and signal strength substantially as claimed. The differences between the above and the claimed invention is the interpretation of the term ambiguity. It is noted that for purposes of this paragraph ambiguity is being read as any discriminator between base stations. Either Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold to determine base station available for handoff. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Kumar et al because they are well known and conventional functional equivalents of resolving ambiguities between overlapping base stations and determining where to handoff a mobile. Regarding the window sizing limitations of claim 9, Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold which is the functional equivalent of the claim. Regarding the window sizing limitations of claim 10, Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold which is the functional equivalent of the claim. Regarding the repeating limitations of claim 11, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a searching for signal strengths

which is the functional equivalent of what is claimed. Regarding the pausing limitations of claim 12, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a searching for signal strengths which is the functional equivalent of what is claimed. Regarding the base station controller limitations of claim 13, Kumar et al (See element 45) disclose a controller substantially as claimed. Regarding the second base station limitations of claim 14, Kumar et al (See element 45) disclose a controller substantially as claimed which can be any base station. Regarding the soft handoff limitations of claim 15, Kumar et al (See title) disclose a soft handoff substantially as claimed. Regarding the CDMA limitations of claim 16, Kumar et al (See Col. 3, lines 50-55) disclose a CDMA substantially as claimed. Regarding claim 17, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose method for soft handoff of a CDMA wireless system with a plurality of base stations and a plurality of mobile units in which the pilot signals in a search window are measured for phase offset and signal strength substantially as claimed. The differences between the above and the claimed invention is the window sizing. Either Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold to determine base station available for handoff including plural windows (at least two). It would have been obvious to the person having ordinary skill in this art to provide a similar

arrangement for Kumar et al because they are well known and conventional functional equivalents of employing a variable window size for base stations and determining where to handoff a mobile. Regarding the base station controller limitations of claim 18, Kumar et al (See element 45) disclose a controller substantially as claimed. Regarding the primary transceiver limitations of claim 19, Kumar et al (See element 45) disclose a controller substantially as claimed which can be any base station. Regarding the soft handoff limitations of claim 20, Kumar et al (See title) disclose a soft handoff substantially as claimed. Regarding the CDMA limitations of claim 21, Kumar et al (See Col. 3, lines 50-55) disclose a CDMA substantially as claimed. Regarding claim 22, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose means for soft handoff of a CDMA wireless system with a plurality of base stations and a plurality of mobile units in which the pilot signals in a search window are measured for phase offset and signal strength substantially as claimed. The differences between the above and the claimed invention is the interpretation of the term ambiguity. It is noted that for purposes of this paragraph ambiguity is being read as any discriminator between base stations. Either Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold to determine base station available for handoff. It would have been obvious to the person having

ordinary skill in this art to provide a similar arrangement for Kumar et al because they are well known and conventional functional equivalents of resolving ambiguities between overlapping base stations and determining where to handoff a mobile. Regarding the window sizing limitations of claim 23, Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold which is the functional equivalent of the claim. Regarding the window sizing limitations of claim 24, Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold which is the functional equivalent of the claim. Regarding the searching limitations of claim 25, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a searching for signal strengths which is the functional equivalent of what is claimed. Regarding the pausing limitations of claim 26, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose a searching for signal strengths which is the functional equivalent of what is claimed. Regarding claim 27, Kumar et al (See Figs. Col. 7, lines 25-50, Col. 8, lines 1-10) disclose means for soft handoff of a CDMA wireless system with a plurality of base stations and a plurality of mobile units in which the pilot signals in a search window are measured for phase offset and signal strength substantially as claimed. The differences between the above and the claimed invention is the interpretation of the term ambiguity

and window sizing. It is noted that for purposes of this paragraph ambiguity is being read as any discriminator between base stations. Either Sutton (See Figs. 3 and 4, Cols. 3 and 4) or Sheba (See Col. 5, lines 15-25) show a variable search window with scanning threshold to determine base station available for handoff including plural windows (at least two). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Kumar et al because they are well known and conventional functional equivalents of employing a variable window size for base stations and resolving ambiguities between overlapping base stations and determining where to handoff a mobile.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park

II, 2121 Crystal Drive, Arlington, Virginia, Sixth Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

S. Cangialosi

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222